The Limestone County Commission met in a regular meeting today, at 10:00 a.m. at the Clinton Street Courthouse Annex, 100 South Clinton Street, Athens, Alabama.

PRESENT: Gary Daly, Steve Turner, and Ben Harrison. Absent: James W. "Bill" Latimer (in Mobile for a conference). Stanley Menefee, Chairman presided.

Chairman Menefee announced it won't be necessary to have an executive session after today's meeting. Alabama Department of Environmental Management (ADEM) is being contacted this morning. We will have a plan in place by this week to resolve any issues ADEM may have.

The meeting began with the Pledge of Allegiance.

**MOTION** was made by Gary Daly and seconded by Steve Turner to approve the minutes of May 14, 19, 23, & 28, 2014.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Ben Harrison to approve the following claims

5/16/14	Check # 28343 - 28409	\$	918,353.03
5/16/14	Check # 28410	\$	40,330.96
5/22/14	Check # 28411 - 28469	\$	822,176.16
5/23/14	Check # 28470	\$	218.10
5/23/14	Check # 28471 – 28475	\$	151,991.79
5/26/14	Check # 28476	\$	72.50
	TOTAL	\$1	.933.142.54

with detailed claims of the above being on file for review upon request to the County Administrator.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Gary Daly to approve the following Resolution Act 2014-429 (Local Unit Retirees and Beneficiaries of Deceased Retirees to receive a one-time lump sum payment).

#### **RESOLUTION ACT 2014-429**

(Local Unit Retirees and Beneficiaries of Deceased Retirees)

Be it resolved that the <u>Limestone County Commission</u>, through its governing authority, elects to come under the provisions of Section 2 of Act 429 of the Regular Session of the 2014 Legislature.

The <u>Limestone County Commission</u> agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the one-time lump sum payment as provided for by this Act for those eligible retirees and beneficiaries of deceased retirees of <u>Limestone County Commission</u> with the aforementioned lump sum payment being paid in October 2014.

#### CERTIFICATION

l, Pam Ball	Administrator,	Limestone	County	Commission,	hereby	certify	that	the
foregoing is	a true and corre	ect copy of	the Resc	olution passed	on this	3 <sup>rd</sup> day	of Ju	une,
2014.								

Pam Ball	
Administrator_	
Official Title	

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Gary Daly to authorize the Chairman to execute the following resolution concerning the contribution of money to Carpenter Technology Corporation as an incentive to renovate, refurbish, and equip a manufacturing facility located in Limestone County.

# A RESOLUTION CONCERNING THE CONTRIBUTION OF MONEY TO CARPENTER TECHNOLOGY CORPORATION AS AN INCENTIVE TO RENOVATE, REFURBISH, AND EQUIP A MANUFACTURING FACILITY LOCATED IN LIMESTONE COUNTY, ALABAMA

**WHEREAS,** the Limestone County Commission is the governing body of Limestone County, Alabama; and,

**WHEREAS,** Carpenter Technology Corporation ("Carpenter") desires to renovate, refurbish, and equip and existing facility formerly known as "Building 23" and now referred to by Carpenter as its "Athens South Facility", for the purpose of creating a super alloy power facility; and,

**WHEREAS** Carpenter estimates that it will invest approximately \$20 million in capital to renovate, refurbish, and equip the facility and will ultimately employ at least 50 new employees in connection therewith for a total of 250 employees at its Carpenter Campus; and,

WHEREAS, a "Project Agreement" has been proposed between Carpenter, Limestone County, the City of Athens, Alabama Industrial Development Training ("AIDT"), the Limestone County Water and Sewer Authority, and Limestone County Economic Development Partners, Inc., ("LCEDP"), which Agreement regards the contribution of money set forth therein by Limestone County, the City of Athens, and LCEDP, and the other services to be provided, a copy of which Agreement is attached hereto as "Exhibit A"; and,

WHEREAS, under the said Agreement Limestone County will contribute up to \$33,000.00 to reimburse the company for capital expenses incurred in renovating, refurbishing, and equipping the said facility by payment of the total benefit of \$33,000.00 in two (2) installments, with the first installment of \$16,500.00 being payable upon the employment of at least 25 new full-time employees not later than December 31, 2019, and the second installment of \$16,500.00 being payable upon the employment of at least 50 new full-time employees not later than December 31, 2021; and,

WHEREAS, the Project Agreement further provides that the monetary contributions by Limestone County are subject to Carpenter not otherwise being in default of any provisions under the Agreement, the number of full-time employees being maintained as provided for under said Agreement, and for a recapture of incentives paid in the event Carpenter does not maintain the agreed upon full-time employees and other obligations under the Agreement; and,

**WHEREAS,** by considering the aforementioned Agreement, the Limestone County Commission seeks to provide a public benefit to the persons and citizens of Limestone County, Alabama, based upon an expected increase of jobs, commerce, taxes collected, revenue, and continued economic and industrial development resulting from entering such an Agreement that will give something of value to the benefit of Carpenter Technology Corporation; and,

WHEREAS, the Limestone County Commission has determined that the expenditure of public resources and the giving of something of value for the benefit of Carpenter Technology Corporation under the proposed Project Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit to the private entity, or any other public body, and will provide a public benefit to the persons of Limestone County, Alabama, based upon an increase of jobs, commerce, taxes collected, revenue, and continued economic and industrial development resulting therefrom; and,

WHEREAS, prior to the execution of this Resolution, notice that a meeting would be held by the Limestone County Commission on June 3, 2014, at 10 o'clock a.m. in the

Clinton Street Annex, located at 100 South Clinton Street, Athens, Alabama, 35611, in conjunction with its regularly scheduled meeting the same day, to consider and adopt same, was published in the Athens News Courier, a newspaper of general circulation in Limestone County, at least seven (7) days prior to; and,

**UPON MOTION** having been duly made by Commissioner Steve Turner, and seconded by Commissioner Gary Daly, to approve the expenditure of public resources and giving something of value by Limestone County entering into the Project Agreement for the benefit of Carpenter Technology Corporation, along with all other governmental and public entities named therein, and pursuant to the terms and conditions therein, as proposed; and,

With said motion and second having been made in an Open Meeting of the Limestone County Commission on June 3, 2014, with discussion had thereon and a vote having been taken, upon which vote said motion carried by a vote of 2 to 1 in favor;

THEREFORE, BE IT RESOLVED BY THE LIMESTONE COUNTY COMMISSION during its meeting on June 3, 2014, commencing at 10 o'clock a.m., as follows:

**BE IT HEREBY RESOLVED** that the Limestone County Commission shall and hereby does approve of the expenditure of public resources and the giving of something of value to Carpenter Technology Corporation pursuant to the proposed Project Agreement, to be entered into by Limestone County along with the State of Alabama, AIDT, the City of Athens, Alabama, the Limestone County Water and Sewer Authority, and LCEDP; and,

**BE IT FURTHER RESOLVED** that the Chairman of the Limestone County Commission shall be authorized to further execute any and all documents and instruments that may be necessary to complete the expenditure of County property and resources herein contemplated, including the approval of any modifications to the Project Agreement that may be inconsequential to the substantive terms of said Agreement and approved by the County's legal counsel.

The authority granted herein shall be in force and effect immediately upon passage of this Resolution.

**ADOPTED AND APPROVED** this 3<sup>rd</sup> day of June, 2014.

ATTEST:	Stanley Menefee, Chairman Limestone County Commission
County Clerk/Administrator	

The Chairman asked if there was any discussion. Commissioner Harrison stated that he doesn't have any problems with infrastructure, however, he doesn't agree with giving cash incentives to subsidize a business. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, nay. Motion carries.

**MOTION** was made by Gary Daly and seconded by Steve Turner to authorize the Chairman to execute the attached resolution (in the minute book) for the Carpenter Powder Plant Project Agreement.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, nay. Motion carries.

**MOTION** was made by Ben Harrison and seconded by Steve Turner to authorize the Chairman to execute the following resolution and agreement with the City of Huntsville for Improvements to Old Highway 20.

#### RESOLUTION

**WHEREAS**, the City of Huntsville, Alabama (sometimes referred to as the "City") has requested the Limestone County Commission , as the governing body of Limestone County, Alabama (sometimes referred to as the "County") to enter into an agreement with the City regarding its Old Highway 20 Phase II Project, Project Number 65-13-RD03, hereinafter referred to as "the Project"; and

**WHEREAS**, a copy of the proposed agreement is attached hereto as Exhibit "A" (the "Agreement"); and

WHEREAS, those parcels of land described in Exhibit 1 (Tract 9), Exhibit 2 (Tract 14), and Exhibit 3 (Tract 15) to the Agreement lie outside the corporate limits of Huntsville and within Limestone County and are parcels the acquisition of which are necessary for the City's Project; and

**WHEREAS,** the Limestone County Commission as the governing body of Limestone County, Alabama, has the power of eminent domain in regard to roads and bridges within the County; and,

**WHEREAS**, the County Commission has determined that the Project is in the best interests of the citizens of Limestone County and the general public; and

**WHEREAS**, the City of Huntsville will first attempt to purchase the lands described in the Agreement directly from the respective Owner(s) thereof by voluntary sale; and

**WHEREAS**, the City has requested that Limestone County acquire by Eminent Domain proceedings any of said lands that it is unable to purchase voluntarily; and

**WHEREAS**, pursuant to said Agreement, Limestone County will to acquire by eminent domain proceedings, at the City's expense, all land lying outside the corporate limits of the City of Huntsville needed for the Project which the City is unable to acquire by voluntary conveyance; and

WHEREAS, upon acquisition of any such Parcel(s) by Limestone County through eminent domain proceedings said Parcel(s) will thereafter be conveyed to the City of Huntsville; and

**AND WHEREAS**, upon motion having been made by Commissioner Ben Harrison and seconded by Commissioner Steve Turner, with discussion had thereon and a vote having been taken, upon which vote of 4 in favor and 0 against, the motion carried;

**NOW THEREFORE, BE IT RESOLVED** by the Limestone County Commission that it is in the best, public interest of Limestone County and for the public good of the citizens of Limestone County that the Project be completed and the Chairman of the Limestone County Commission and its Administrator be and hereby are authorized, empowered and directed to execute the Agreement with the City of Huntsville on behalf of Limestone County.

BE IT FURTHER RESOLVED by the Limestone County Commission, that the Chairman of the Limestone County Commission be and is hereby authorized, empowered, and directed at the expense of the City of Huntsville to cause a legal description to be prepared for the above stated properties to be obtained and to obtain said properties at the expense of the City of Huntsville as described by agreement and voluntary conveyance, or condemnation, and, in the furtherance thereof, the Chairman of the County Commission shall be authorized, empowered, and directed to attempt to acquire at the expense of the City of Huntsville the said properties for said project and aforesaid purposes at a fair and reasonable price in accordance with §18-1A-22 of the Code of Alabama, as amended; and,

**BE IT FURTHER RESOLVED** that any prior acts taken by the Limestone County Commission or its officials and agents up to and including the County Engineer, the Engineering Department, and anyone acting on behalf of the County or its Engineering Department, up to and including the City of Huntsville and its officials and agents toward the description and acquisition of the said property and any appraisals for same as part of an eminent domain process are hereby ratified; and,

**BE IT FURTHER RESOLVED** that in the event an agreement may not be reached for the purchase of said properties from the foregoing owners or any other owners or interests which may be hereafter identified, or in the event of any other failure to require said properties for the purposes aforesaid by purchase from any such

owners, the Chairman of the County Commission is hereby authorized to engage the law firm of Wilmer & Lee, PA, at the expense of the City, to file and conduct condemnation proceedings on behalf of the Limestone County Commission for the acquisition of said properties by the exercise of the right of eminent domain; and,

BE IT FURTHER RESOLVED that the Chairman of the Limestone County Commission and its Administrator shall be authorized to execute any and all documents and instruments that may be necessary to further and complete the foregoing acquisitions and any eminent domain proceedings herein resolved, up to and including, but not limited to, issuing payment(s) to be reimbursed by the City of Huntsville, if not previously advanced by the City of Huntsville, for the acquisition of said property as may be determined by an appraisal for same and/or an agreement with any such owners, or as may be awarded and/or ordered as part of any condemnation proceedings in an appropriate court.

The authority granted herein shall be in force and effect immediately upon adoption and passage of this Resolution.

ADOPTED AND APPROVED this 3<sup>rd</sup> day of June, 2014.

Stanley Menefee, Chairman

Stanley Menefee, Chairman Limestone County Commission

ATTEST:

Pam Ball, County Administrator Limestone County Commission

#### AGREEMENT FOR OLD HIGHWAY 20 PHASE II IMPROVEMENTS

WHEREAS, the Limestone County Commission and the City of Council of The City of Huntsville have approved the execution of this Agreement for Old Highway 20 Phase II Improvements (this "Agreement"), between Limestone County (sometimes referred to as "County") and the City of Huntsville (sometimes referred to as "City") regarding the Old Highway 20 Phase II Improvements Project, Project Number 65-13-RD03, hereinafter referred to as "the Project"; and

WHEREAS, those parcels of land described in Exhibit "1" (Tract 9), Exhibit "2" (Tract 14), and Exhibit "3" (Tract 15) lie outside the corporate limits of the City of Huntsville and within Limestone County and are parcels the acquisition of which are necessary for the development of the Project (collectively the "Parcels"); and

**WHEREAS**, the Parcels have been, or will be, surveyed and appraised as required by Section 18-1A-21, Code of Alabama 1975, by the City; and

**WHEREAS**, the City of Huntsville will attempt to purchase the Parcels directly from the respective owner(s) thereof by voluntary sale; and

WHEREAS, the City has requested that Limestone County acquire by eminent domain proceedings any of said lands that it is unable to purchase directly from the owner(s); and

**WHEREAS**, the parties have agreed that Limestone County is to acquire by eminent domain proceedings, at the City's expense, all land lying outside the corporate limits of the City of Huntsville needed for the Project which the City is unable to acquire by voluntary conveyance; and

WHEREAS, upon acquisition of any such Parcels by Limestone County through eminent domain proceedings said Parcel(s) shall thereafter be conveyed to the City of Huntsville:

**NOW THEREFORE,** for good and valuable consideration, including the premises, which are incorporated herein by reference, the parties hereby agree as follows:

- 1. That City of Huntsville, by and through its Real Estate Department, be, and is hereby authorized, empowered, and directed to attempt to acquire the Parcels from the respective owner(s) thereof by voluntary sale, at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.
- 2. That Limestone County hereby agrees with the City that the County will acquire, at the expense of the City, by eminent domain proceedings, where necessary, any of the Parcels described in Exhibit "1" (Tract ), Exhibit "2" (Tract 14), and "3" (Tract 15), which the City of Huntsville is unable to purchase through voluntary conveyance.
- 3. That in case of the inability to acquire any of the said Parcels, for the purposes aforesaid, through voluntary conveyance from the respective owner(s) thereof, the City of Huntsville is hereby authorized to engage the law firm of Wilmer & Lee, P.A., by and through its attorney Samuel H. Givhan, to file and conduct condemnation proceedings on behalf of the County of Limestone for the acquisition of said property by the process of eminent domain.
- 4. That upon acquisition of any of the Parcels by Limestone County through eminent domain proceedings, Limestone County agrees to promptly convey said Parcel(s) to the City of Huntsville by statutory warranty deed.
- 5. That all attorney's fees, costs, and expenses in connection with any voluntary sales transactions or any eminent domain actions shall be paid by the City.

IN WITN	ESS WHEREOF	, the p	oarties	have	caused	this	Agreement	to	be
executed on this day of			, 2014.						
		Т	The City	of Hu	ıntsville, <i>i</i>	Alaba	ma		

	Ву:
	Tommy Battle, Mayor
Attest: Charles Hagood, Clerk Treasure	r Date:
	Limestone County Commission
	By: Stanley Menefee, Chairman
Attest: Pam Ball, County Administrator	
	Date:

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Gary Daly to approve a Signal Maintenance Agreement (Project Number IAR-042-000-005) with Alabama Department of Transportation for new traffic signals at Thomas L. Hammonds Road and Highway 31.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Ben Harrison to approve the FY 2014 State Cooperative Agreement Emergency Management Performance Grant (EMPG) for preparedness programs, in the amount of \$2,275.00 with 50/50 match.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Steve Turner to suspend the Rules of Order to add the following agreements.

The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Steve Turner to approve TVA Contract (Number 8677) to reimburse the County \$12,000.00 to make improvements to public recreational facilities managed by Limestone County on Elk River; access road to boat ramp and access to dispersed recreation site.

The Chairman asked if there was any discussion. Commissioner Harrison described the project in detail. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Gary Daly to approve a Memorandum of Agreement with the Limestone County Board of Education allowing the County to go on school property to remove storm generated debris, retroactive May 30, 2014.

#### **MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is made, entered and effective this 30<sup>th</sup> day of May, 2014, by and between the Limestone County Board of Education, hereinafter referred to as "SCHOOL BOARD", and the Limestone County Commission, hereinafter referred to as "COUNTY"; and,

WHEREAS, SCHOOL BOARD's properties sustained significant damage due to recent tornadoes, which tornadoes resulted in the declaration of a state of emergency for Limestone County, and SCHOOL BOARD is not equipped to effectively remove the resulting debris as needed from its properties and the COUNTY has equipment, personnel, and other sufficient resources to perform services of the type needed to assist with debris removal; and,

WHEREAS, it is in the best interest of the general public and citizens of Limestone County in consideration of the damage and state of emergency caused by the aforementioned tornadoes for COUNTY to assist in the removal of the said debris and for the expense incurred by COUNTY and not otherwise reimbursed to COUNTY to be paid the COUNTY by the SCHOOL BOARD;

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

- 1. SCHOOL BOARD authorizes the COUNTY and its employees, officials, agents, contractors, and representatives (collectively "the COUNTY") to enter upon the SCHOOL BOARD's property, and public property within its control (collectively the "Property"), to arrange, order, gather, or otherwise assist in the removal of any debris resulting from, or otherwise related to, the herein identified tornado events and natural disaster, and resulting state of emergency.
- 2. As consideration of any services performed by the COUNTY to remove any debris from the Property, the SCHOOL BOARD shall reimburse the

COUNTY for all expenses and costs incurred by the COUNTY that are not otherwise reimbursed to the COUNTY by the Federal Emergency Management Agency or any other such agency, entity, or governing body.

3. This Agreement shall be effective and the obligations herein shall commence upon execution by both parties and shall continue until the declared state of emergency has expired, or upon either party giving seven (7) days notice to the other of its intent to terminate, whichever shall first occur. The terms of this Agreement relating to compensation of COUNTY shall survive any lapse or termination of this Agreement until final payment and reimbursement is made to COUNTY for any services for debris removal.

**IN WITNESS WHEREOF,** the parties have executed this Agreement on the date first written above, and, each of the undersigned personally represent and warrant that they have the full right, power and authority to execute this Agreement on behalf of the respective parties.

Dr. Thomas Sisk, Superintendent Limestone County Board Of Education

Stanley Menefee, Chairman Limestone County Commission

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Steve Turner to accept Nancy Swanner's resignation from the Pryor Field Airport Board, and appoint Mr. Russ Todd to finish her term which ends September 30, 2015.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Gary Daly to award the following bid proposal to the lowest responsible bidder meeting specifications as follows:

Proposal No.	Item	Awarded To	Amount
2492	Backhoe/Loader (District 2)	Warrior Tractor Co.	Total Cost \$87,700.00 Total Cost with trade-ins: \$46,700.00

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Gary Daly and seconded by Steve Turner to employ the following, pending drug and alcohol screenings.

- Emma Blackburn as a Corrections Officer,
- Kristin Taylor as Communications Officer

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Gary Daly to approve the following subdivision:

Name	S/D Type	Approval Type	Lots	District	Location
* Capshaw Merchant	Minor	Preliminary	4	2	South side of
Village Subdivision		& Final			Capshaw Road

<sup>\*</sup> Variance requested because lot 4B does not have access to a public road. This lot will be sold to the adjacent owner in Foxridge Subdivision who does have access to the public road.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Ben Harrison to approve the following subdivisions:

Name	S/D Type	Approval Type	Lots	District	Location
The Arbors #3	Major	Final	27	2	Off Newby Road
Antler Point	Major	Final	26	2	East Limestone Road
Phase IV					& Ed Ray Road

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Steve Turner to accept a proposal from Mid-South Testing, Inc. to conduct lead sampling and analysis throughout the Limestone County Archives.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

Chairman Menefee stated the courts opened in the Better Living Building located at 503 South Jefferson Street. Circuit Court Clerk will be moving shortly after the election. Chairman also said improvements have been completed at the Goodsprings Senior Center.

Chairman Menefee reminded citizens to go vote today and said election returns will be tonight at the Limestone County Event Center.

Commissioner Harrison said he met with the construction manager at the Athens Limestone Public Library project yesterday regarding lighting.

Recessed at 10:17 a.m. until 10:00 a.m. on Wednesday, June 11, 2014, at the Washington Street Courthouse Annex, 310 West Washington Street, Athens, AL.